

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13208 of Gilbert Oken, pursuant to Sub-section 7501.4 of the Zoning Regulations in effect prior to February 15, 1979, for modification and further processing of a planned unit development to permit the construction of Stage II of a private general psychiatric hospital in an R-5-A District at the premises 4460 MacArthur Blvd., N.W., (Square 1356, Lot 28).

HEARING DATE: April 16, 1980
DECISION DATE: May 7, 1980

FINDINGS OF FACT:

1. The subject site is located on the south side of MacArthur Blvd., between Foxhall Rd to the east and Q Street to the west. It is known as 4460 MacArthur Blvd., N. W. It is in an R-5-A District.

2. The site is 98,347 square feet in area. It is irregularly shaped and has 275.2 feet of frontage on MacArthur Blvd. The site is improved with a two story brown brick, ninety-six bed psychiatric hospital building and asphalt paved driveway. The building's entrance is sited at a lower elevation than MacArthur Boulevard. There is an entrance to an underground parking garage on the southeast side of the building.

3. To the north of the site in the R-5-A District there are apartments, row dwellings and single family dwellings. The rear yards of five townhouses abut the site on its east side in the R-1-B District. The Foxhall Mews townhouses development is located to the southeast of the site in the R-5-A District. Undeveloped land owned by the Young Women's Christian Association, and Canal Road are located to the south of the site in the R-1-B District. To the west there is a single family detached dwelling and the Young Women's Christian Association property in the R-5-A and R-1-B Districts respectively.

4. The property is subject to a planned unit development (P.U.D.) for the construction of a private general psychiatric hospital approved by the Zoning Commission in Cases 69-8, 69-9 and 70-15. Final approval of the P.U.D. was made by the Zoning Commission on January 21, 1971 in Order No. 21 .

5. The final approval of the planned unit development required that the project proceed in two stages, that the F.A.R. of the completed project would be approximately 0.89, the number of stories would be three and a basement, the height would be forty-two feet, the lot occupancy twenty-three percent, the total hospital beds to be provided at the completion of Stage II would be 200, that one parking space per bed, with a total of 200, would be required and that the building should be constructed of materials that would be consistent with the residential character of the neighborhood. The Zoning Commission further directed the applicant to apply to the BZA for further processing under the provisions of Article 75 of the Zoning Regulations within two years of the final date of Zoning Commission Order No. 21.

6. The applicant made its first application to the BZA in Application No. 10943. In its Order dated January 28, 1972 the BZA approved the Stage I development of the subject site with CONDITIONS that:

- (a) Construction of Stage II will be started within ten years from effective date of this order and completed within two years hence.
- (b) The Board shall retain jurisdiction over this application for further processing in accordance with the provisions of sub-paragraph 7501.49 when Stage II is presented, any deviation from Zoning Commission's final approval must be justified.
- (c) Applicant shall record an appropriate covenant covering the development of the entire project as approved by the Zoning Commission Case No. 70-15 and Application No. 10943.

7. In BZA Order No. 11284, dated May 31, 1973, the Board approved the further processing under Article 75 and the roof structure and made all the conditions of Application No. 10943 a part of Order No. 11284 where applicable. The applicant requested permission to implement a portion of Stage II of the project. In particular, it requested the Board's permission

to add the third story of the project but to temporarily forego the additional wing. On May 31, 1973, the Board approved the modified Stage II application. Building permits were filed pursuant to the Board's Order but the permits expired and a modified Stage II was not implemented. Stage I was constructed.

8. The subject property is presently developed as a private general psychiatric hospital under the Stage I approval of the Zoning Commission. The current building contains two stories and a terrace floor. The building is thirty-one feet in height and has a lot coverage of nineteen percent.

9. The **subject** application seeks approval of the further processing of, and modification of, Stage II of the planned unit development for the property. In particular, the applicant seeks approval to complete the second phase of the P.U.D. by adding an additional 101 patient beds to the hospital facility. The total authorized bed capacity of the hospital would become 200. This hospital expansion is sought by the construction of a new third story and a 16,000 square foot three-story wing.

10. In addition, the applicant seeks a modification to the plans previously approved by the Board in order that the existing kitchen be expanded. This addition is proposed to be at the rear of the existing building and to be one story in height. The applicant submitted that the requested modification is within the five percent gross floor area modification power of the Board, as authorized by Section 7501.43 of the Zoning Regulations. The Board, in approving this modification, so finds.

11. The subject application was filed and processed under the Zoning Regulations, in effect prior to February 16, 1979.

12. When Stage II is completed, the structure will be approximately forty feet in height, which is less than the forty-two feet allowed, and will have a lot occupancy of twenty-three percent, and a floor area ratio of .89 both equal to what is allowed under the Zoning Regulations. These figures are in compliance with the guidelines and standards listed in Zoning Commission Order No. 21 dated January 21, 1971, which sets the area and density standards for the second stage of development.

13. The site plan which was originally filed showed a lot area of 93,545 square feet. The current site plan shows a corrected lot size of 98,347 square feet. This correction is necessary due to an error in the original survey computation.

14. The subject hospital provides specialized services for children, adolescents, adults, alcohol and substance abusers and senior citizens. The applicant testified that a grant of the application would provide city-wide community and neighborhood benefits. The Board so finds.

15. The applicant testified that additional parking spaces provided in Stage II would adequately accommodate the needs of the expanded facility. In particular, the applicant testified that it would expand its existing underground parking garage from 107 spaces to 178 spaces and provide 211 total parking spaces in the garage and on site. The original plans as approved were for 180 spaces in the garage. The total amount of on-site parking would thus exceed the minimum parking requirements established by the Zoning Commission and would, according to the applicant, adequately accommodate visitors and staff. The Board so finds.

16. The application was referred to the Office of Planning and Development, the Dept. of Environmental Services, the Dept. of Housing and Community Development and the Department of Transportation.

17. The OPD, by report dated April 21, 1980, recommended that the application be approved. It reported that it is of the opinion that the proposed Stage II development meets the purposes and intent of the Zoning Regulations PUD provisions, and is in compliance with the guidelines and conditions as stated in Zoning Commission Order No. 21, dated January 21, 1971. The proposed new construction is architecturally harmonious with the existing structure, and the extended underground parking provides covered space for the required parking spaces while freeing surface areas for recreation and landscaping. The building's X shape and varied roof line allows for a maximum amount of view, light and air for patient, visitor and staff enjoyment. The separate roof penthouses satisfy the code and provide the vertical circulation necessary in an institutional building of this design and service. The proposed kitchen expansion in OPD's view will not alter substantially the approved Stage I plans, but will instead provide a more functional kitchen capable of handling the increase in patients projected to be in

residence at its full operating capacity. In conclusion, OPD is of the view that approval of Stage II of the PUD is in keeping with previous approval and will not create an adverse affect on the neighboring properties. The PUD's approval will provide the hospital occupants with a well planned living and working environment. The OPD recommends approval of Stage II of the applicant's resolution of this PUD, conditioned upon any conditional recommendations by referral agencies. The Board so finds.

18. The Dept. of Environmental Services, by memorandum dated April 16, 1980, reported that the existing water and sanitary sewer systems serving the site are adequate to accommodate the proposed development. Present surface runoff and storm drain discharges are carried by a natural drainageway that traverses the development site along a path roughly parallel to the west property line of the site. It is proposed that the stream be enclosed through the area of improvement with a three feet by three feet reinforced concrete box culvert. Surface runoff from the adjoining property is to be intercepted by a drainage swale and introduced into the culvert through a system of catch basin inlets constructed on the adjoining property. A riprap apron is to be provided at the culvert outlet to dissipate the energy of flow and minimize the potential for downstream erosion. At the time this project is submitted for permit review, the applicant should provide a written agreement or evidence of an intended agreement between himself and affected owners concerning the proposed drainage construction on the adjoining property. Compliance with the erosion control regulations of the District of Columbia should minimize any adverse effect during and after construction of the proposed development. The proposed development should have no long-term negative impact on air quality and noise levels in the surrounding area. The proposed development should have no significant impact on the Dept. of Environmental Services solid waste collection and disposal activities. Collection service will be provided by private haulers under contract with the owners. The Dept. of Environmental Services' disposal facilities have capacity to handle the additional solid waste that will be generated at the site. The Board so finds.

19. By memorandum, dated April 29, 1980, the Dept. of Transportation reported that this second phase approval of a two-stage PUD will permit the Institute to add a third story to the existing structure and to add a new three story addition. The improvement will increase the number of beds from ninety-six to 200, as approved in 1971. The off-street parking will be increased from 120 spaces to 202 spaces. The total number of employees for all shifts will be increased from 205 to 321.

The only information furnished by the applicant concerning the allocation of existing parking spaces is that eighty-eight spaces are occupied during the peak period of maximum accumulation between 9:00 a.m. and 4:00 p.m. The ratio of these eighty-eight occupied spaces to the 147 employees on duty during this period is one space for each 1.67 employees on duty. Projecting this ratio to the proposed 245 employees on duty during the 9:00 a.m. to 4:00 p.m. peak accumulation period we determine that approximately 147 spaces will be occupied by employees. The remaining fifty-five spaces would be available for visitors. Using the rate of 1.67 employees per parking space, the DOT has determined that fifty automobiles currently arrive during the a.m. peak hour. Of these it is assumed that twenty-five will arrive from each direction on MacArthur Boulevard. Applying same rationale to the proposed development, the DOT has determined that eighty-four automobiles will arrive during the a.m. peak hour, and that forty-two will approach from each direction on MacArthur Boulevard.

The DOT is aware that there are now problems with west-bound traffic on MacArthur Boulevard being held up by vehicles waiting to turn left into the site. There are also occasions when the hospital driveway is blocked by east bound MacArthur Boulevard vehicles that violate the "Do Not Block Hospital Entrance" sign.

Even with the increase in hospital generated traffic, DOT does not consider these problems to be unmanageable. The left-turn problem can be controlled by keeping the curb lane across the street in front of the townhouses clear of illegally parked cars and if necessary, extending the parking prohibition for several additional spaces beyond. Through westbound traffic can then use the curb lane to bypass vehicles waiting to turn left. Because of the driveways into the townhouse garages and the short distances between driveways, there are no legal size parking spaces in the curb lane.

The DOT will monitor the existing and potential problems at the hospital driveway and determine appropriate actions to mitigate them.

The Institute is planning to use a locator board in the hospital to encourage employees to carpool. A related action will be to reduce employee parking costs by 50 percent for carpools of two or more occupants.

The DOT is opposed to free employee parking because it encourages single occupant automobile use. The Institute's current rate of \$20 per month tends to encourage some carpooling and transit use. The reduced rate for carpools proposed by the Institute would be an even greater economic incentive to carpooling. The DOT supports both rates. The Board so finds.

20. Property owners abutting the subject site submitted letters to the record in support of the application.

21. There was no opposition to the application at the public hearing of record.

22. ANC-3B made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the above findings of fact, the Board concludes that the subject application complies with the provisions of Zoning Commission Order No. 21. The Board further concludes that the subject application is in accord with the intent of Section 7501 of the Zoning Regulations in effect on the date the application was granted final approval by the Zoning Commission. Accordingly it is ORDERED that the application is GRANTED subject to the FOLLOWING CONDITIONS:


1. The applicant shall continue to comply with all of the requirements of Zoning Commission Order No. 21, dated January 21, 1971.
2. The development shall be constructed in accordance with the revised plans submitted to the Board and marked as Exhibit No. 21 of the record.
3. The Order of the Board shall be valid for a period of eighteen months. Within such period, the plans therefore shall be filed for the purpose of securing a building permit.

4. The Board shall retain jurisdiction to interpret and apply the terms and conditions of this Order and to make plan corrections and minor modification of such plans.
5. Prior to the issuance of any building permit, in accordance with the requirements of Sub-section 7501.2 and Paragraph 7501.52 of the regulations in effect prior to February 8, 1979, the owner of the property shall record a covenant in the land records of the District of Columbia acceptable to the Zoning Regulations Division and the Office of the Corporation Counsel. The applicant shall file a copy of that covenant with the Board and also with the Zoning Commission.
6. The applicant shall reduce by fifty percent the cost of employee parking for all carpool vehicles containing two or more occupants.
7. The applicant shall place a carpool locator board in a central location within the hospital and shall encourage all employees to use it.

VOTE: 4-0 (William F. McIntosh, Connie Fortune, Walter B. Lewis and ~~Leonard~~ L. McCants to grant, Charles R. Norris, not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



Steven E. Sher,
Executive Director

FINAL DATE OF ORDER: 7 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.